

Message Text

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ACTION EUR-12

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E.O. 11652: N/A

TAGS: PINT, SP

SUBJ: CONSTITUTIONAL REFORM COMMISSION NAMED

SUMMARY FIRST GOVT ACTION FOLLOWING ARIAS' SPEECH IS APPOINTMENT OF SPECIAL COMMISSION TO STUDY AND PREPARE CONSTITUTIONAL REFORMS FORESHADOWED BY PREMIER. COMMISSION'S MEMBERS INCLUDE GOVT AND NATIONAL COUNCIL LEADERS ONLY. END SUMMARY

1. THREE DAYS FOLLOWING PREMIER ARIAS NAVARRO'S PARLIAMENTARY SPEECH ON GOVT OBJECTIVES THE NATIONAL COUNCIL ANNOUNCED THE FORMATION OF A JOINT GOVT-NATIONAL COUNCIL COMMISSION TO STUDY CONSTITUTIONAL REFORMS SUGGESTED BY THE PREMIER. ARIAS, AS PRESIDENT OF NATIONAL COUNCIL, WILL HEAD COMMISSION AND WILL BE SECONDED BY COUNCIL'S VICE PRESIDENT, MINISTER OF THE MOVEMENT ADOLFO SUAREZ. EIGHT OTHERS IN GOVT AND EIGHT FROM NATIONAL MOVEMENT MAKE UP THE BALANCE OF COMMISSION MEMBERS.

2. ON GOVT SIDE FIVE MEMBERS ARE REFORM SUPPORTERS: AREILZA, FRAGA, GARRIGUES, OSORIO, AND MARTIN VILLA. SOLIS

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IS AT PRESENT NOT AN OUTSPOKEN REFORMER BUT A SEASONED

OPPORTUNIST. SANTIAGO DE MENDIVIL AND VILLAR MIR ARE NOT OPEN SUPPORTERS OF REFORM.

3. THE MAIN STRENGTH OF THE CONSERVATIVES LIES IN THE MEMBERS IN THE NATIONAL COUNCL. CORTES PRESIDENT FERNANDEZ MIRANDA, SUAREZ, AND ORTI BORDAS ARE OPEN TO LIMITED REFORMS, BUT ARE NOT CONSIDERED APERTURISTAS AND FURTHERMORE FERNANDEZ MIRANDA AND SUAREZ ARE SUBJECT TO PRESSURES FROM THEIR FRANCO REGIME CONSTITUENCIES (I.E., CORTES AND ANTIONAL MOVEMENT WHO SEEK TO ATTENUATE THE FRAGA APPROACH). THE REMAINDER -- GIRON, FUEYO ALVAREZ, LOPEZ BRAVO (EVEN THOUGH AN OPUS DEI TECHNOCRAT), GARCIA HERNANDEZ, AND PRIMO DE RIVERA -- HAVE BEEN WELL-KNOWN SUPPORTERS OF THE OLD REGIME'S POLITICAL SYSTEM.

4. THE FIRST MEETING OF THE COMMISSION IS, REPORTEDLY, SCHEDULED FOR FEBRUARY 5 SUGGESTING THAT THE GOVT INTENDS TO MOVE PROMPTLY TO DRAW UP REFORMS SUGGESTED IN ARIAS' SPEECH. ACCORDING TO THE COMMISSIONS'S MANDATE IT IS EXPECTED TO PREPARE PROPOSALS FOR SUBMISSION TO THE GOVT WHICH IN TURN WILL CONVERT THEM INTO DRAFT LAWS FOR SUBMISSION TO THE "CORTES" BUT VIA A PRIOR CLEARANCE WITH THE NATIONAL COUNCIL. THE ENTIRE PROCEDURE IS REMINISCENT OF WHAT WAS DONE WITH AN TO THE STATUTE ON POLITICAL ASSOCIATIONS IN 1973-74.

5. NO DEADLINE HAS BEEN SET FOR THE COMMISSION'S WORK ALTHOUGH IMPLICIT IN ARIAS' SPEECH AND THE 18-MONTH EXTENSION OF THE PRESENT "CORTES" IS THE BASIC ASSUMPTION THAT CONSTITUTIONAL REFORMS WILL BE CARRIED OUT DURING THIS PERIOD. SOME FORM OF REFERENDUM WILL BE REQUIRED TO AMEND THE EXISITING FUND-AMENTAL LAWS. GOVT SPOKESMEN -- NOTABLY FRAGA -- KEEP SAYING THAT A REFERENDUM WILL BE HELD IN THE SUMMER OR FALL OF 1976. ONE WELL-INFORMED SOURCE IN THE PRESIDENCY SAYS THAT IT WILL BE HELD ONE MONTH PRIOR TO THE NOVEMBER 1976 LOCAL ELECTIONS BUT OTHERS SAY EARLIER.

6. IN DISCUSSING CONSTITUTIONAL ISSUES ARIAS REFERRED TO THE POSSIBILITY OF A BICAMERAL LEGISLATURE AND SOME ASPECTS OF THE LAW OF SUCCESSION. THE MINISTER OF THE PRESIDENCY AND A WELL-CONNECTED MEMBER OF "FEDISA" HAVE TOLD US THAT TWO VERSIONS OF A BICAMERAL SYSTEM ARE UNDER DISCUSSION. UNDER ONE AL-LIMITED OFFICIAL USE

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TERNATIVE THE NATIONAL COUNCIL, WHICH ALSO SITS IN THE "CORTES" WOULD BE CONVERTED INTO THE UPPER HOUSE. THE "CORTES" WOULD RETAIN ITS CORPORATIVE STRUCTURE BUT ALL DEPUTIES WOULD BE ELECTED DIRECTLY. THE SECOND ALTERNATIVE WOULD HAVE THE PRESENT "CORTES" ITSELF CONVERTED INTO THE UPPER CHAMBER AND PROVIDE FOR THE ELCTION BY UNIVERSAL SUFFRAGE OF AN ENTIRELY NEW LOWER CHAMBER WITH DEPUTIES REPRESENTING CONSTITUENCIES BASED ON A FIXED FRACTION OF THE POPULATION, E.G., ONE DUPUTY FOR

100,000 POPULATION. EITHER WAY, THE OBJECTIVE IS TO DIMINISH THE POLITICAL ROLE OF THE NATIONAL COUNCIL AND MAKE THE LOWER CHAMBER A GENUINE REPRESENTATIVE BODY WITH REAL LEGISLATIVE POWER.

7. OPPOSITION SPOKESMEN HAVE ALREADY ATTACKED THE COMMISSION FOR NOT BEING TRULY REPRESENTATIVE INASMUCH AS IT INCLUDES ONLY MEN WHO HAVE SERVED THE FRANCO REGIME. SOME CHRISTIAN DEMOCRATS HAVE TOLD EMBASSY OFFICERS THAT IF GENUINE POLITICAL PARTIES ARE UNABLE TO DEBATE PUBLICLY THE PROPOSED CONSTITUTIONAL REFORMS THEY MAY PROPOSE THAT VOTERS ABSTAIN ON ANY REFERENDUM. OTHER SECTORS OF THE OPPOSITION, PARTICULARLY THE VARIOUS SOCIALIST PARTIES, CAN BE EXPECTED TO REACT CRITICALLY. IT IS TOO EARLY TO TELL WHAT THEIR ACTUAL COURSE WILL BE BUT THIS EXTRAMURAL OPPOSITION, WHOSE BASIC DEMAND IS FOR A CONSTITUENT ASSEMBLY TO REDRAFT ALL THE FUNDAMENTAL LAWS, CAN HARDLY BE EXPECTED TO ENDORSE A GOVT-INITIATED ACTION MERELY TO AMEND THESE LAWS. IT REMAINS TO BE SEEN WHETHER OR NOT THE COMMISSION CAN BRIDGE THE GAP BETWEEN WHAT CAN REALISTICALLY BE EXPECTED FROM THE PRESENT SYSTEM AND THE REALISTIC MINIMUM REQUIRED BY THE OPPOSITION TO BRING IT INTO THE OPEN AS A PARTICIPANT IN THE POLITICAL PROCESS.
EATON

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